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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,109	09/18/2003	Hyuk-Soo Son	0100-P0013A	6131
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HYUN JONG PARK 41 WHITE BIRCH ROAD REDDING, CT 06896-2209			EXAMINER WHIPKEY, JASON T	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/665,109	<b>Applicant(s)</b> SON, HYUK-SOO	
	<b>Examiner</b> Jason T. Whipkey	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed July 6, 2007, have been fully considered but they are not persuasive.

Applicant argues that the Berstis, Endo, Anderson, and Nakamura references “are not pertinent prior art references to be used in order to reject the claims of the present application under 35 U.S.C. 103(a). In order to qualify as prior art under 35 U.S.C. 103(a), the references must have been issued or otherwise published before the invention by the applicant” (emphasis original).

This assertion is clearly contradictory to patent law.

All of the rejected claims were rejected under 35 U.S.C. § 103(a) using references with a § 102(e) date. Applicant's argument is only applicable to references with a § 102(a) or (b) date.

35 U.S.C. § 102(e) states that a person is entitled to a patent unless:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language (*emphasis added*).

Since the effective filing dates of the Berstis (December 16, 1998), Endo (March 30, 2000), Anderson (December 31, 1998), and Nakamura (July 17, 2003) references are prior to the instant application's effective filing date (September 22, 2003), the rejection is proper.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis (U.S. Patent No. 6,721,001) in view of Endo (U.S. Patent No. 6,763,182) and Anderson (U.S. Patent No. 6,683,649).

Regarding **claim 1**, Berstis discloses a method of managing user data-files in a portable digital apparatus (digital camera 102) having a display device (not shown; see column 4, line 66, through column 5, line 2), and an interface for a recording medium (memory 214; see column 3, lines 4-8), the method comprising the steps of:

generating representative voice files (such as 504 and 510 in Figure 5) and data-files (such as files 502, 506, 508, and 512) in a corresponding directory (a file system may be used, which inherently includes a directory structure; see column 5, line 48) through manipulation by a user (a user captures each file; see column 3, lines 18-28), the representative voice files and data-files sequentially arranged based on the order of generation of the representative voice files and the data-files (see column 5, lines 30-43);

grouping the data-files into groups of files such that each respective group is associated with its representative voice file (files are grouped according to their location relative to other files; see *id.*).

While Berstis discloses that the files are arranged contiguously (see *id.*), he is silent with regard to the files having an index.

Endo discloses an imaging system, wherein:

files have respective names including sequentially arranged file indices based on the order of generation of the representative files (each file is assigned the next index number regardless of its type; see column 5, lines 24-39).

As stated in column 2, lines 35-40, an advantage of giving each file an index is that files can be reproduced chronologically, regardless of their type. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Berstis's system assign each of the sequential files an index.

Berstis is silent with regard to displaying the files of each of the groups.

Anderson discloses a digital imaging device, which:

selectively displays on the display device representative data-files of each of the groups (the device displays a number of images and icons representing grouped files; see Figure 4A and column 8, lines 6-14).

As stated in column 7, lines 50-53, an advantage of such a display is that a user may rapidly view the contents of the camera. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Berstis's system display groups.

Regarding **claim 2**, Anderson discloses:

selecting a desired group of the corresponding directory (a desired group can be highlighted for further display; see figures 4A and 4B).

Regarding **claim 3**, Anderson discloses:

the step of displaying photography information of the selected group on the display device (a captured image is displayed; see Figure 4A).

Regarding **claim 4**, Anderson discloses:

the step of reproducing a representative voice file of the selected group (see column 7, lines 45-49).

Regarding **claim 5**, Anderson discloses:

the step of displaying data-files of the selected group on the display device (the associated sound file, for example, is indicated in the display with an icon; see column 8, lines 23-31, and Figure 4A).

Regarding **claim 6**, Anderson discloses:

selecting a desired data-file from the data-files displayed on the display device (a single desired image or sound file can be reproduced; see column 7, lines 41-49).

Regarding **claim 7**, Anderson discloses:

displaying the one selected data-file on the display device (see *id.*).

Regarding **claim 16**, Anderson discloses:

the step of reselecting a representative data-file from the data-files of the selected group (a group may be marked and unmarked at will by the user; see column 10, lines 7-17).

4. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis in view of Endo and Anderson and further in view of Nakamura (U.S. 2004/0019681).

**Claim 8** can be treated like claim 1. However, Berstis is silent with regard to locating a directory among a number of directories.

Nakamura discloses an image data management system that performs:

locating the corresponding directory to store data-files among directories formed on the recording medium (Figure 24A shows a plurality of directories in an imaging system); and

setting the located corresponding directory as a present directory (in order to write a file to or read a file from a directory [see paragraph 245, for instance], it is inherent that a destination directory must be determined).

An advantage of using a number of directories is that files may be organized in a more logical manner, relative to placing all files in a single directory. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Berstis's system include a number of directories from which a destination directory can be chosen.

Regarding **claim 9**, Nakamura discloses:

when the corresponding directory searched for is not found upon locating the corresponding directory, a new directory is generated and sets the newly generated directory as a present directory (see paragraph 245).

Regarding **claim 10**, Nakamura discloses:

the name of the corresponding directory includes a directory index (“ABCD”, for example, in Figure 24B) and a characteristic code therein (“100” in Figure 24B).

Regarding **claim 11**, Nakamura discloses:

by the file generation step, the name of each of the representative voice files includes the directory index of the corresponding directory (“ABCD” is included in each file name in Figure 24A), a characteristic code (a file extension, such as “WAV”), and a data-file index (“0003”, for example).

Regarding **claim 12**, Nakamura discloses:

by the file generation step, the name of each of the data-files includes a characteristic code (such as “JPG” or “THM” in Figure 23A) and a data-file index (“0003”, for example).

### *Allowable Subject Matter*

5. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



Regarding **claims 13-15**, no prior art could be located that teaches or fairly suggests a method of managing data files in a digital apparatus, wherein voice files and data files are given sequentially arranged file indices based on the order of generation and grouped by associating a voice file with data files based on their file indices, wherein a voice file is given an index of one plus the highest index and all data files associated with that voice file are assigned subsequent indices.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period; then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The

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examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye, can be reached at (571) 272-7372. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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July 18, 2007



LIN, YE  
SPE. ART UNIT 2622